

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK.

PORTSIDE GROWTH AND OPPORTUNITY  
FUND,

Plaintiff,

-against

GIGABEAM CORPORATION,

Defendant

Case No. 07 CIV 6990 (NRB)

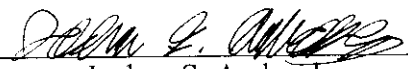
**CERTIFICATE OF SERVICE**

I, JOSHUA S. ANDROPHY, am not a party to this action and am over the age of 18 , and certify under penalty of perjury that on August 6, 2007, I caused to be served a true copy of the Complaint, Summons, Civil Cover Sheet, Rule 7.1 Statement, and the Individual Practices of the Hon. Naomi Reice Buchwald upon:

GigaBeam Corporation  
470 Springpark Place, Suite 900  
Herndon, VA 20170

by Federal Express for overnight delivery.

Pursuant to Section 5.9 of the Securities Purchase Agreement dated November 7, 2005, and Section 11(d), clause (c) of the Certificate of Designation of Preferences, Right and Limitations of Series B Convertible Preferred Stock, GigaBeam Corporation has waived personal service of process, and service of process by mailing a copy thereof via registered or certified mail or overnight delivery (with evidence of delivery) constitutes good and sufficient service of process and notice thereof.

  
Joshua S. Androphy

UNITED STATES DISTRICT COURT

Southern

District of

New York

PORTSIDE GROWTH AND OPPORTUNITY  
FUND

V.  
GIGABEAM CORPORATION

SUMMONS IN A CIVIL ACTION

CASE NUMBER:

**07 CIV 6990**  
**JUDGE BUCHWALD**

TO: (Name and address of Defendant)

GigaBeam Corporation  
470 Springpark Place, Suite 900  
Herndon, VA 20170

**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)

Thomas J. Fleming  
Olshan Grundman Frome Rosenzweig & Wolosky LLP  
Park Avenue Tower  
65 East 55th Street  
New York, NY 10022

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

J. MICHAEL McMAHON

**AUG 03 2007**

CLERK

*Mario Quintero*

DATE

(By) DEPUTY CLERK